



**Effective January 1, 2015**

## **Review Process for Non-Violent, Second -Strike Offenders**

### ***Background***

On February 10, 2014, the Three Judge Panel in the *Plata/Coleman* class action lawsuit ordered the California Department of Corrections and Rehabilitation (CDCR) to create and implement “a new parole determination process through which non-violent second strikers will be eligible for parole consideration by the Board of Parole Hearings (BPH) once they have served 50% of their sentence.” The new process will begin **January 1, 2015**.

### ***Who is eligible?***

Offenders whose terms doubled pursuant to Penal Code (PC) section 667(b)-(i) or PC 1170.12 and who have served at least 50 percent of their actual sentence, or who are within 12 months of having served 50 percent of their actual sentence are *eligible* for review of possible release.

Offenders will be screened for eligibility at their annual unit classification committee review once they served 50 percent of their actual sentence or are within 12 months of having served 50 percent.

### ***Who is not eligible?***

Offenders are not eligible if they are required to register as sex offenders pursuant to PC 290 based on a current or prior conviction. Offenders are also not eligible if they have a current violent offense pursuant PC 667.5(c). In addition, certain offenders will be ineligible based on specified negative institutional behavior.

### ***Input from District Attorneys, Victims, and the Public***

During the review process, BPH will notify the District Attorney's Office of the offender's county of commitment and any victims registered with CDCR's Office of Victim and Survivor Rights and Services (OVSRS) about the referral and request that they submit any written statement they wish to have BPH consider within 30 days.

### ***Hearing Officers and Procedures***

A Deputy Commissioner (DC) will conduct an administrative review to determine if the offender's release would pose an unreasonable risk to public safety. There will be no hearing. The DC will review all relevant and reliable information, including, but not limited to:

- Criminal history
- Institutional behavior
- Rehabilitation efforts
- Any written statements received



BPH will send a letter to the District Attorney's Office from the offender's county of commitment and any registered victims informing them of the outcome of BPH's review. If the offender's case factors change, such that he or she is no longer eligible for release as a non-violent, second-strike offender, a referral to the BPH may be rescinded by a classification committee at any time prior to the offender's release.

### ***Decision Review***

BPH decisions concerning the release of non-violent, second-strike offenders are subject to review, upon request, within 20 days of the date of the board's decision. Persons requesting review should identify why they believe the board's decisions was in error and submit their request in writing to:

**Attention: Non-Violent Second-Strikers  
Board of Parole Hearings  
Correspondence-NVSS  
P.O. Box 4036  
Sacramento, CA 95812-4036**

BPH will process a request to review the decision and issue a decision upholding or vacating the original decision. The person requesting decision review will be notified of the outcome of the review. In addition, the District Attorney's and registered victims will be notified if the review results in a reversal of the original decision.

### ***Release of the Offender***

An offender who is approved for release by BPH will be released to state parole or post release community supervision as required by statute no later than 50 days after BPH's decision. All notifications to law enforcement and victims required by statute will be prepared by the institution's case records staff. No offender will be released prior to serving 50 percent of his or her actual term, as determined by case records staff.

### ***For additional information and assistance:***

**Call Toll Free 1-877-256-6877**

#### **Mailing Address:**

California Department of Corrections and Rehabilitation  
Office of Victim and Survivor Rights and Services  
P.O. Box 942883  
Sacramento, CA 94283

#### **Email Us:**

[victimservices@cdcr.ca.gov](mailto:victimservices@cdcr.ca.gov)

#### **Website:**

[www.cdcr.ca.gov/victims](http://www.cdcr.ca.gov/victims)